

REMARKSStatus of the Claims

Claims 1-13, 15, 16, 18, 27-59, 62-66, 75-107, 110-114 and 123-157 were pending in this application. Claims 27-49, 75-97 and 123-145 were withdrawn from consideration. Claims 1-13, 15, 16, 18, 50-59, 62-66, 98-107, 110-114, and 146-157 have been examined.

Applicant has amended claims 1, 50, 98, and 146-148 herein to particularly point out and distinctly claim his invention. Support for these amendments can be found in the original specification at, for example, page 21, line 19 to page 23, line 16; FIGS. 6-8; and original claims 42-49 and 90-97. In particular, claims 1 and 146 now recite certain features of withdrawn claim 43; claims 50 and 147 now recite certain features of withdrawn claim 91; and claims 98 and 148 now recite certain features of withdrawn claim 139. Claims 43, 91 and 139 have been canceled herein without prejudice.

In addition, previously withdrawn claims 42 and 44-49 have been amended to be dependent directly or indirectly from independent claim 1. Previously withdrawn claims 90 and 92-97 have been amended to be dependent directly or indirectly from independent claim 50. Previously withdrawn claims 138 and 140-145 have been amended to be dependent directly or indirectly from independent claim 98.

No new matter has been added by these amendments, and applicant respectfully requests their entry.

Claims 1-13, 15, 16, 18, 50-59, 62-66, 98-107, 110-114 and 146-157 are pending in this application for further examination.

#### Summary of the Rejections

Claims 1-11, 15, 50-59, 65, 98-107, 113 and 146-157 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Schein (U.S. Patent 6,732,369). Claims 12, 13, 18, 62-64 and 110-112 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Schein in view of certain allegedly well-known program guide features. Claims 16<sup>1</sup>, 66 and 114 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Schein in view of Yates (U.S. Patent 6,330,586).

Applicant traverses these rejections.

#### Rejections Under 35 U.S.C. § 102

##### Independent Claims 1, 50, 98 and 146-148

Applicant's claims are directed to an interactive television program guide system which includes "a partial screen program guide display" that displays "at least one video-on-demand program listing." The system allows a viewer

<sup>1</sup> Claim 16 was not listed in the Office Action. However, the features of this claim substantially correspond to those of claims 66 and 114.

to select a video-on-demand (VOD) program listing or order a VOD program associated with a listing. The interactive television program guide then displays immediately the VOD program that is selected or ordered by the viewer.

Furthermore, independent claims 1, 50, 98, and 146-148 have been amended herein in order to include the feature of displaying an indicator that a video clip preview is available for a given one of at least one VOD program listing. The video clip preview indicator is associated with the VOD program listing.

Schein refers to a "video on demand menu" for "ordering video on demand." (Schein at col. 23, lines 43-65; and FIGS. 18A-18E.) While applicant's claimed invention may generally implicate the subject matter of Schein, applicant's claimed invention patentably improves upon Schein by further requiring the display of an indicator for a given one of at least one VOD listing, which indicates that a video clip preview is available for the given VOD listing. For example, as shown in FIG. 6A-7 of applicant's specification, such an indicator informs the viewer that a given VOD program listed in the program guide display has a video clip preview available. Thus, applicant's claimed invention is an improvement over Schein's "video on demand menu," which does not indicate whether a particular VOD program has available a video clip preview.

For at least the these reasons, applicant submits that claims 1, 50, 98 and 146-148 are novel, and thus

patentable, over Schein. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 2-13, 15, 16, 18, 51-59,  
62-66, 99-107, 110-114 and 149-157

Claims 2-9, 11-13, 15 and 16 are allowable at least for the reasons that their parent claim 1 is allowable. Claims 51-57, 59 and 63-66 are allowable at least for the reasons that their parent claim 50 is allowable. Claims 99-105, 107 and 111-114 are allowable at least for the reasons that their parent claim 98 is allowable. Claims 10, 18 and 149-151 are allowable at least for the reasons that their parent claim 146 is allowable. Claims 58, 62 and 152-154 are allowable at least for the reasons that their parent claim 147 is allowable. Claims 106, 110 and 155-157 are allowable at least for the reasons that their parent claim 148 is allowable. Applicant therefore requests that these rejections also be withdrawn.

Amended Withdrawn Claims 42, 44-  
49, 90, 92-97, 138 and 140-145

Withdrawn claims 42, 44-49, 90, 92-97, 138 and 140-145 have been amended herein to be dependent directly or indirectly from either independent claim 1, 50 or 98.

With the foregoing amendments, withdrawn claims 42 and 44-49 are now dependent directly or indirectly from claim 1, withdrawn claims 90 and 92-97 are now dependent directly or indirectly from claim 50, and withdrawn claims 138 and 140-145

are now dependent directly or indirectly from claim 98. Thus, upon allowance of one or more of their parent claims, applicant respectfully requests rejoinder of these withdrawn dependent claims.

Applicant's Reply to the Office  
Action's Use of Official Notice

In rejecting claims 12, 13, 18, 62-64 and 110-112 under 35 U.S.C. § 103(a) over Schein, Official Notice had been taken that "recording a VOD program to a VCR and using the VCR to play back the program is notoriously well known in the art" (Office Action at page 6) and that "entering a parental code is notoriously well known in the art." (Office Action at page 7.) It was further contended in the Office Action that it would have been obvious to modify Schein with either of these allegedly well-known feature for the reasons stated therein.

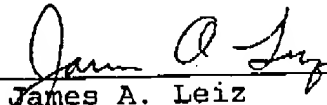
Although the rejections of claims 12, 13, 18, 62-64 and 110-112 have been obviated, as discussed hereinabove, applicant nonetheless submits that the Official Notices taken in the Office Action are not justified. Official Notice only may be taken if the facts outside of the record are "capable of instant and unquestionable demonstration as being 'well known' in the art" (MPEP § 2144.03). Applicant also respectfully submits that the absence from the prior art of record showing or suggesting applicant's claimed approach belies the assertion of Official Notice in the Office Action. If the subsequent Office Action maintains this rejection, applicant respectfully requests that a reference be provided in support of the

Official Notice used in rejecting claims 12, 13, 18, 62-64 and 110-112, as is applicant's right under MPEP § 2144.03.

CONCLUSION

The foregoing demonstrates that all of the pending claims are patentable and are in condition for allowance. Reconsideration and allowance of the application is respectfully requested

Respectfully submitted,



James A. Leiz

Reg. No. 46,109

Attorney for Applicant

ROPES & GRAY LLP

Customer No. 1473

1211 Avenue of the Americas

New York, New York 10036-8704

Tel.: (212) 596-9000

Fax: (212) 596-9090